

**HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO. 108 OF 2004.
IN
WRIT PETITION NO. 1344 OF 2004.**

The Nashik Municipal Corporation,
Nashik District: Nashik
Through: its Deputy Commissioner
(Administration).

..Appellant.

Versus.

Vilas Shankar Jejurkar,
Age: Adult, Occu: Service,
R/at: C/o: Kukade Sadan,
Gole Colony, Nashik,
Dist: Nashik.

..Respondent.

Mr. Ranjit More for the appellant.
Mr. S.M.Gorwadkar for the respondent.

**CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.**

DATE: APRIL 28, 2005.

P.C.

1. This is Letters Patent Appeal challenging the order dated 16.2.2004 passed by the learned Single Judge in Writ Petition No. 1344 of 2004. This writ petition was directed against the order dated 29.10.2003 passed by the Labour Court, Nashik in Reference (IDA) No.8 of 1998 whereby the status of permanent employee has been given to the respondent.

2. The petition which was filed in this court, challenging the order of the Reference Court, was filed

invoking jurisdiction of this Court under Article 227 simplicitor. In title clause, Article 226 has not been stated. Apart from that, we have also gone through the pleadings in the petition and prayers made therein. We do not find that any writ is claimed by the present appellant in the said writ petition. Therefore, the appellant has invoked jurisdiction of this court under Article 227 simplicitor only. There was no petition under Article 226 of the Constitution. Under these circumstances, learned counsel for the respondent, Mr. Gorwadkar raised a preliminary objection that this Letters Patent Appeal itself is not maintainable. We need not go into that details. The similar view has been taken by us in a reported judgment, reported in **2004(4) Mh.L.J.-1105, Mansaram Sampat v/s. Sambhu Harchand**. Therefore, we find that this Letters Patent Appeal is not maintainable. In this view of the matter, we refrain ourselves from entering into the merits of the matter. Letters Patent Appeal is accordingly rejected.

3. In view of the disposal of the Letters Patent Appeal, Civil Application No. 368 of 2004 does not survive. It is accordingly disposed of.

(D.B.BHOSALE,J.)

(S.B.MHASE, J.)